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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,586	02/20/2004	Charles Randall Yates	2002-051	7723
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COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27511			FOX, BRYAN J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/783,586	YATES ET AL.
	Examiner Bryan J. Fox	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 November 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 and 37-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 and 37-41 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 41 recites the limitation "the user-specified access restriction" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9, 11-17, 19, 20 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey in view of Chandhok et al (WO 2004012421).

Regarding **claim 1**, Hendrey et al disclose a system where a user initiates a group connection via a communication infrastructure (see paragraphs 49-50), which reads on the claimed, “controller in a wireless network for establishing a local ad hoc group session between an inviting mobile terminal and local mobile terminals.” The telecommunication infrastructure may determine the distances of mobiles from a list and initiate the telephone call with the mobiles within a certain distance (see paragraphs 49-54), which reads on the claimed, “presence server for identifying local mobile terminals within a local area of the inviting mobile terminal,” and, “server for establishing the local ad hoc group session between the inviting mobile terminal and one or more local mobile terminals responsive to a request from the inviting mobile terminal.” The user may also optionally select a predetermined maximum connection distance, or alternately use a default choice (see paragraph 49), which reads on the claimed, “group server configured to filter the identified local mobile terminals based on a user-specified local area restriction.” The selection process might preferably select only up to a predetermined maximum number of nearby callees within the predefined maximum distance, or another alternative may be to select the closest predetermined number of users within the group (see paragraph 54), which reads on the claimed, “user-specified access control restriction to identify preferred local mobile terminals.” Hendrey et al fail to disclose the use of push-to-talk.

In a similar field of endeavor, Chandhok et al disclose a group server that may allow one user to communicate in half-duplex mode where permission to talk may be

moderated by the infrastructure and a user may request permission to talk by pressing a "push-to-talk" button (see paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Chandhok et al to include the above push-to-talk functionality in order to take advantages of a PTT system, such as quickness and spontaneity without going through a typical dialing and ringing sequence as suggested by Chandhok et al (see paragraph 4).

Regarding **claim 2**, the combination of Hendrey et al and Chandhok et al disclose that if there are a plurality of callees meeting the criteria, a conference connection may be initiated by TU 201 using techniques well known in the art, or alternatively, instead of the TU initiating the connections, the telecommunication infrastructure may initiate any group connections (see Hendrey et al paragraph 52), which reads on the claimed, "the push-to-talk server sends an invite message the one or more of the preferred local mobile terminals and establishes the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals that respond to the invite message."

Regarding **claim 3**, the combination of Hendrey et al and Chandhok et al disclose that the TU 201 may transmit a group identifier to customer information database 105 to select a predetermined group list 220 to use, and the infrastructure determines the locations of all group members and initiates a connection with the closest members (see Hendrey et al paragraph 59-64), which reads on the claimed,

"core server that receives the request from the inviting mobile terminal and forwards a list of the local mobile terminals identified by the presence server to the push-to-talk server."

Regarding **claim 4**, Hendrey et al fail to disclose filtering the local mobile terminals based on a media type restriction identified by the inviting mobile terminal.

In a similar field of endeavor, Chandhok et al disclose a user who wishes to join a group of providers for a desired service may select the desired service category, which may include Internet services, such as Internet chat room, and data services, e.g. subscription information publishing services (see paragraph 33), which reads on the claimed, "filtering the local mobile terminals based on a media type restriction identified by the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Chandhok et al to include the above filter based on media-type restriction in order to allow a requester of a desired service to instantly get in touch with a local group of available providers for the desired service as suggested by Chandhok et al (see paragraphs 4 and 5).

Regarding **claim 5**, the combination of Hendrey et al and Chandhok et al disclose if one or more of the closest members of the group list cannot be connected, then additional callees are added to the connection until a desired number of callees is reached and stay in the multi-party connection (see Hendrey et al paragraph 55), which reads on the claimed, "the push-to-talk server sends an invite message to each of the

preferred local mobile terminals and establishes the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals that respond to the invite message," wherein initiating the connection reads on inviting and establishing the connection reads on the response.

Regarding **claim 6**, the combination of Hendrey et al and Chandhok et al disclose that the invention may connect proximately located telecommunications users based in part on distance and in part on a profile associated with each user (see Hendrey et al paragraph 65) and the profile may contain information about likes and dislikes (see Hendrey et al paragraph 66), which reads on the claimed, "the group server further filters the local mobile terminals identified by the presence server based on a subject of interest identified by the inviting mobile terminal."

Regarding **claim 7**, the combination of Hendrey et al and Chandhok et al disclose that in one embodiment, the distances between mobiles may be actual travel distances taking into account walking the perimeter of city blocks when a map is available (see Hendrey et al paragraph 56), which reads on the claimed, "the presence server determines a current location of the inviting mobile terminal," wherein the location of the mobile terminal must be determined in order to use a map.

Regarding **claim 8**, the combination of Hendrey et al and Chandhok et al disclose the distance from the inviting mobile is used (see Hendrey et al paragraphs 49-55), which reads on the claimed, "the presence server defines the local area based on the current location of the inviting mobile terminal."

Regarding **claim 9**, the combination of Hendrey et al and Chandhok et al disclose that the user may select a predetermined maximum connection distance (see Hendrey et al paragraph 49), which reads on the claimed, “the presence server receives a defined local area from the inviting mobile.”

Regarding **claim 11**, the combination of Hendrey et al and Chandhok et al disclose the telecommunications infrastructure may select users who are within a predefined distance of the TU 201 (see Hendrey et al paragraph 51), which reads on the claimed, “the presence server identifies local mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals within a defined distance of the inviting mobile terminal.”

Regarding **claim 12**, the combination of Hendrey et al and Chandhok et al disclose that the infrastructure determines the locations of all group members and stores them locally in group list 220, and this information may be continually updated (see Hendrey et al paragraph 61), which reads on the claimed, “memory for dynamically storing groups and dynamically storing updated lists of local mobile terminals within the local area of the inviting mobile terminal.”

Regarding **claim 13**, Hendrey et al disclose a system where a user initiates a group connection via a communication infrastructure (see paragraphs 49-50), which reads on the claimed, “method of establishing a local ad hoc group session in a wireless network between an inviting mobile terminal and local mobile terminals.” The telecommunication infrastructure may determine the distances of mobiles from a list and

initiate the telephone call with the mobiles within a certain distance (see paragraphs 49-54), which reads on the claimed, “receiving a request to initiate the local ad hoc group session...from the inviting mobile terminal; using a presence server...to identify local mobile terminals within a local area of the inviting mobile terminal; establishing the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals.” The user may also optionally select a predetermined maximum connection distance, or alternately use a default choice (see paragraph 49), which reads on the claimed, “filtering the identified local mobile terminals based on a user-specified local area restriction.” The selection process might preferably select only up to a predetermined maximum number of nearby callees within the predefined maximum distance, or another alternative may be to select the closest predetermined number of users within the group (see paragraph 54), which reads on the claimed, “user-specified access restriction to identify preferred local mobile terminals in the local area.” Hendrey et al fail to disclose the use of push-to-talk.

In a similar field of endeavor, Chandhok et al disclose a group server that may allow one user to communicate in half-duplex mode where permission to talk may be moderated by the infrastructure and a user may request permission to talk by pressing a “push-to-talk” button (see paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Chandhok et al to include the above push-to-talk functionality in order to take advantages of a PTT system, such as quickness and

spontaneity without going through a typical dialing and ringing sequence as suggested by Chandhok et al (see paragraph 4).

Regarding **claim 14**, the combination of Hendrey et al and Chandhok et al disclose that if there are a plurality of callees meeting the criteria, a conference connection may be initiated by TU 201 using techniques well known in the art, or alternatively, instead of the TU initiating the connections, the telecommunication infrastructure may initiate any group connections (see Hendrey et al paragraph 52), which reads on the claimed, "sending an invite message to the preferred local mobile terminals within the local area of the inviting mobile terminal; and establishing the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals that respond to the invite message."

Regarding **claim 15**, the combination of Hendrey et al and Chandhok et al disclose the use of a list of phone numbers that are filtered to find the nearest of that list (see Hendrey et al paragraphs 50-52), which reads on the claimed, "filtering identified local mobile terminals within the local area of the inviting mobile terminal based on at least one of a media type restriction."

Regarding **claim 16**, the combination of Hendrey et al and Chandhok et al disclose if one or more of the closest members of the group list cannot be connected, then additional callees are added to the connection until a desired number of callees is reached and stay in the multi-party connection (see Hendrey et al paragraph 55), which reads on the claimed, "sending an invite message to one or more of the preferred local

mobile terminals; establishing the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals that respond to the invite message,” wherein initiating the connection reads on inviting and establishing the connection reads on the response.

Regarding **claim 17**, the combination of Hendrey et al and Chandhok et al disclose that the invention may connect proximately located telecommunications users based in part on distance and in part on a profile associated with each user (see Hendrey et al paragraph 65) and the profile may contain information about likes and dislikes (see Hendrey et al paragraph 66), which reads on the claimed, “filter the identified local mobile terminals within the local area of the inviting mobile terminal based on a subject of interest identified by the inviting mobile terminal.”

Regarding **claim 19**, the combination of Hendrey et al and Chandhok et al disclose the distance from the inviting mobile is used (see Hendrey et al paragraphs 49-55), which reads on the claimed, “identify local mobile terminals within a local area of the inviting mobile terminal,” and, “identifying local mobile terminals within a defined distance of the inviting mobile terminal.”

Regarding **claim 20**, the combination of Hendrey et al and Chandhok et al disclose that the infrastructure determines the locations of all group members and stores them locally in group list 220, and this information may be continually updated (see Hendrey et al paragraph 61), which reads on the claimed, “storing and dynamically

updating groups of local mobile terminals within one or more local areas of the inviting mobile terminal."

Regarding **claim 37**, Hendrey et al disclose a system where a user initiates a group connection via a communication infrastructure (see paragraphs 49-50), which reads on the claimed, "controller in a wireless network for establishing a...communication session between an inviting mobile terminal and local mobile terminals." The telecommunication infrastructure may determine the distances of mobiles from a list and initiate the telephone call with the mobiles within a certain distance (see paragraphs 49-54), which reads on the claimed, "presence server for identifying one or more local mobile terminals within a local area of the inviting mobile terminal," and, "group server configured to...create an ad hoc group including the inviting mobile terminal and one or more local mobile terminals," and, "server for establishing the local ad hoc group session between the inviting mobile terminal and one or more local mobile terminals responsive to a request from the inviting mobile terminal." Hendrey et al fail to disclose the use of push-to-talk or filtering the local mobile terminals based on a media type restriction identified by the inviting mobile terminal.

In a similar field of endeavor, Chandhok et al disclose a group server that may allow one user to communicate in half-duplex mode where permission to talk may be moderated by the infrastructure and a user may request permission to talk by pressing a "push-to-talk" button (see paragraph 30). Further, a user who wishes to join a group of

providers for a desired service may select the desired service category, which may include Internet services, such as Internet chat room, and data services, e.g. subscription information publishing services (see paragraph 33), which reads on the claimed, "filtering the local mobile terminals based on a media type restriction identified by the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Chandhok et al to include the above push-to-talk functionality and filter based on media-type restriction in order to take advantages of a PTT system, such as quickness and spontaneity without going through a typical dialing and ringing sequence and to allow a requester of a desired service to instantly get in touch with a local group of available providers for the desired service as suggested by Chandhok et al (see paragraphs 4 and 5).

Regarding claim 38, the combination of Hendrey et al and Chandhok et al discloses the user may optionally select a predetermined maximum connection distance (see Hendrey et al paragraph 49), which reads on the claimed, "the group server is further configured to filter the identified local mobile terminals based on a user-specified radius."

Regarding claim 39, the combination of Hendrey et al and Chandhok et al discloses the user may optionally select a predetermined maximum connection distance (see Hendrey et al paragraph 49), which reads on the claimed, "the group server is

further configured to filter the identified local mobile terminals based on a user-specified geographic region."

Regarding claim 40, the combination of Hendrey et al and Chandhok et al discloses the selection process might preferably select only up to a predetermined maximum number of nearby callees within the predefined maximum distance; or another alternative may be to select the closest predetermined number of users within the group (see Hendrey et al paragraph 54), which reads on the claimed, "the group server is further configured to filter the identified local mobile terminals based on a user-specified access restriction."

Regarding claim 41, the combination of Hendrey et al and Chandhok et al discloses the phone numbers may be predetermined by being entered by the user (see Hendrey et al paragraph 48), which reads on the claimed, "the user specified access restriction comprises one of a user-specified grant list and a user-specified block list."

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey et al in view of Chandhok et al, and further in view of Fraccaroli (US006549768B1).

Regarding **claim 10**, the combination of Hendrey et al and Chandhok et al fails to disclose the presence server identifies local mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals in at least a portion of the same cell as the inviting mobile terminal.

In a similar field of endeavor, Fraccaroli discloses that when the handset registers into the base station, the ID of the handset can be sent to the MSC and formed into groups of mobile stations registered in the same base station. These groups of mobile station IDs can be sent to the HLR and its respectively collocated server to match and couple the profiles (see column 5, lines 4-11), which reads on the claimed, "the presence server identifies local mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals in at least a portion of the same cell as the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Hendrey et al and Chandhok et al with Fraccaroli to include the above grouping based on base station in order to provide an easy and effective way of locating mobile terminals.

Regarding **claim 18** the combination of Hendrey et al and Chandhok et al fails to disclose identifying local mobile terminals within a local area of the inviting mobile terminal comprises identifying local mobile terminals within at least a portion of the same cell as the inviting mobile terminal.

In a similar field of endeavor, Fraccaroli discloses that when the handset registers into the base station, the ID of the handset can be sent to the MSC and formed into groups of mobile stations registered in the same base station. These groups of mobile station IDs can be sent to the HLR and its respectively collocated server to match and couple the profiles (see column 5, lines 4-11), which reads on the claimed, "identify local mobile terminals within a local area of the inviting mobile terminal

comprises...identify local mobile terminals within at least a portion of the same cell as the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Hendrey et al and Chandhok et al with Fraccaroli to include the above grouping based on base station in order to provide an easy and effective way of locating mobile terminals.

Response to Arguments

Applicant's arguments filed November 30, 2006 have been fully considered but they are not persuasive.

The Applicant argues the combination of Hendrey et al and Chandhok et al fails to disclose a push-to-talk controller configured to establish a local ad hoc group session between an inviting mobile terminal and one or more preferred mobile terminals located within a local area of the inviting mobile terminal, wherein to identify the preferred mobile terminals for the group session, a group server filters a list of mobile terminals that are local to the inviting mobile terminal based on user-specified criteria, wherein the criteria comprises a user-specified local area restriction and a user-specified access control restriction. The Examiner respectfully disagrees. As outlined in the rejection of claim 1 above, Hendrey et al discloses all of the above limitations with the exception of the use of push-to-talk. Chandhok et al is relied upon to disclose this limitation.

The Applicant argues Hendrey et al fails to disclose the filtering of local TU's, but instead is aimed at setting up a group communication with all the terminals specified in the list. The Examiner respectfully disagrees. Hendrey et al disclose a number of

different criteria to select the group, including a maximum connection distance (see paragraph 49) and a maximum number of nearby callees within the maximum distance (see paragraph 54).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., member of the group are not known *a priori*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues Chandhok et al fail to disclose the user of the requesting mobile terminal applies a user-specified local area restriction and a user-specified access control restriction filter to limit the mobile terminals for a group communication session. The Examiner has relied upon Hendrey et al to disclose these limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine, in order to take advantages of a PTT system, such as quickness and

spontaneity without going through a typical dialing and ringing sequence can be found in Chandhok et al (see paragraph 4).

The Applicant argues Chandhok et al fail to disclose filtering the identified local mobile terminals based on a media type restriction. The Examiner respectfully disagrees. The cited portion of Chandhok et al discloses a user who wishes to join a group of providers for a desired service may select the desired service category, which may include Internet services, such as Internet chat room, and data services, e.g. subscription information publishing services (see paragraph 33). This reads on the broadest reasonable interpretation in light of the specification of the claimed limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
July 21, 2007



CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER